

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Petition to Revive Abandoned Application 1.137(b)

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CE  
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JUL 15 2004

Applicant: Hawkins, Bruce L.

Art Unit: 3723

OFFICE OF PETITIONS

Serial No.: 09/871,271

Examiner: Shanley, Daniel

Filed: 05/31/2001

Docket: 08002.00011

For: JACK ACCESSORY

Petition to Revive Based on Unintentional Abandonment

MAILING CERTIFICATE UNDER 37 C.F.R. 1.8(A)

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:  
Office of Petitions, Commissioner for Patents,  
PO Box 1450 Alexandria, VA 22313 on or before 5 July 2004.

Printed Name: Steven Thrasher

Signature: [Handwritten Signature]

Dear Sirs:

1. Please accept this Petition to Revive an Abandoned Application under 1.137(b).
2. Please find enclosed a copy of the original Office Action Cover Letter dated 6/5/2002.
3. Please find enclosed a copy of the original Office Action Response Cover Letter dated 9/6/2002.
4. Please find enclosed a copy of the original invitation to pay for a one month extension dated 12/17/2002--nearly twelve weeks after the Office Action Response was received by the Receiving Office. Although the day this paper was received by our office is unknown, our offices were closed from 12/15/02 until 1/2/03 for the holidays, and so the invitation was not opened until the second day of January.
5. Please find enclosed a copy of the original payment for the one-month extension dated 1/2/2003. This was the first day our office was open following the holiday, indicating that the payment for the one-month extension was sent the actual day it was opened. This payment was processed and cleared on the firm's Visa Card on 1/8/03. We have no record of any refund.

6. In a follow-up phone call to Examiner Shanley in early January 2003, it was indicated that the patent application was active and would proceed to further examination.

7. In January 2004 (I believe on the 22<sup>nd</sup>) we received a response from Examiner Shanley to discuss issues regarding an upcoming second non-final Office Action (believed to be dated 27 January 2004).

8. Examiner Shanley did in fact issue an additional Office Action in January or February of 2004 as evidenced by the enclosed email.

9. Rather than receiving the Office Action, the aforementioned Notice of Abandonment was received.

10. The Attorney for the Applicant followed-up with the Examiner, his supervisor, and the Group Leader. A timely Petition to Withdraw Holding of Abandonment was filed. The Dismissal of the Petition was recently received. In response to the Dismissal, the Applicant hereby files this Petition to Revive An Abandoned Application per 37 CFR 1.137(b). Accordingly, the entire delay in any reply has been unavoidable, or at least unintentional.

11. The Office Action in question was previously filed, and, has apparently been examined. Accordingly, no Response to an Office Action is presently due.

12. The Petition Fee of \$655 is enclosed via a credit card form.

13. It is respectfully asserted that the aforementioned facts establish at least the foundation for an unavoidable delay, for the entire period of abandonment. It respectfully requested that the Director find the same. No terminal disclaimer is due.

14. Accordingly, please withdraw the Holding of Abandonment and resume examination of the Application.

15. If any matters remain, please contact me immediately so that they can be resolved.

Sincerely,



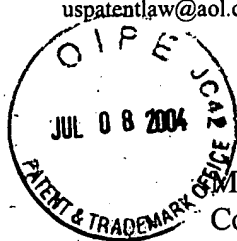
Steven Thrasher  
Reg. No. 43,192  
Attorney for Applicant

391 Sandhill Drive, Suite 1600  
Richardson, Texas 75080  
888-427-2836; Fax: 214-291-5991  
uspatentlaw@aol.com



Thrasher Associates, LLC

Steven Thrasher  
Direct Line: 972-918-9312  
steve4laws@aol.com



Mail Stop Office of Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
5 July 2004

RECEIVED

JUL 15 2004

OFFICE OF PETITIONS

MAILING CERTIFICATE UNDER 37 C.F.R. 1.8(A)

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Printed Name: Steven Thrasher  
Signature: [Handwritten Signature]

Dear Sirs:

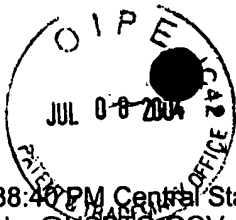
Pursuant to telephone instructions received with thanks from Group Leader and Examiner Steven Marcus on 2 April 2004, please find the following timely filed response to the Notice of Abandonment mailed from the USPTO on 3 February 2004.

Please also find enclosed:

- A) Petition to Revive Unintentionally Abandoned Application;
- B) Petition to Withdraw Holding of Abandonment (Previously Filed);
- C) Copy of Notice of Abandonment; and
- D) Postcard

Sincerely,

Steven Thrasher  
43,192  
Attorney for Applicant



Subj: 09/871,271  
Date: 2/5/2004 5:38:40 PM Central Standard Time  
From: Daniel.Shanley@USPTO.GOV  
To: Joseph.Hall@USPTO.GOV  
CC: steve4laws@aol.com

**RECEIVED**

JUL 15 2004

Joe,

**OFFICE OF PETITIONS**

I just got a phone call from Attorney Steven Thrasher (whom is copied on this e-mail) at around 6PM. I had signed (part sig authority) and submitted a second non-final on the case on January 21, 2004. Apparently instead of receiving my action, he received a notice of abandonment. I did not send a notice of abandonment and assume one of the LIE's was confused because it does appears that the case should have been abandoned.

However, this is not the case. Initially, there was a problem concerning the extension of time (I seem to remember incorrect entering of a date), which after consultation with Steve Marcus and yourself, it was agreed to send out another action. Anyway, I posted a copy of the action I did to you on OACS. Furthermore, there is a hard copy of the action I wrote up on my desk.

I explained to Mr. Thrasher that I was leaving the office and that I took tommorow off which is my last day. Anyway, hopefully, this will not take too much time to straighten out. His number is 972-918-9312.

Regards,

Daniel Shanley



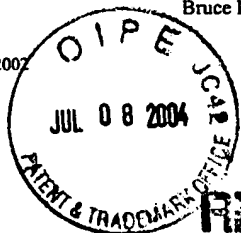
# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/871,271      | 05/31/2001  | Bruce L. Hawkins     | 00001               | 1490             |

7590  
Bruce L. Hawkins  
7882 East Highway 92  
Hereford, AZ 85615

06/05/2002



RECEIVED

JUL 15 2004

EXAMINER

SHANLEY, DANIEL G

ART UNIT PAPER NUMBER

3723

DATE MAILED: 06/05/2002

OFFICE OF PETITIONS

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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7590  
STEVEN THRASHER  
391 SANDHILL DR.  
RICHARDSON, TX 75080



EXAMINER

SHANLEY, DANIEL G

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3723

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

|                                 |            |                                                   |                     |
|---------------------------------|------------|---------------------------------------------------|---------------------|
| APPLICATION NO./<br>CONTROL NO. | FILED DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|------------|---------------------------------------------------|---------------------|

|          |
|----------|
| EXAMINER |
|----------|

|          |       |
|----------|-------|
| ART UNIT | PAPER |
|----------|-------|

8

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

Dear applicant:

The response filed on 9/12/02 was not timely filed. An extension of time is needed for 1 month. The fee for extension is \$55.00.

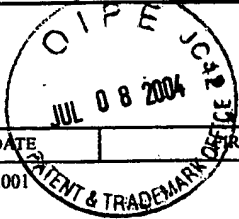
| As of 1/27/2004 - Search results for application number:09/871,271 |                                    |                                            |  |
|--------------------------------------------------------------------|------------------------------------|--------------------------------------------|--|
| Application Number:09/871,271                                      | Customer Number:-                  | Status: Non Final Action Mailed            |  |
| Filing or 371(c) Date:5/31/2001                                    | Status Date:12/16/2002             | Location:-                                 |  |
| Application Type:Utility                                           | Location Date:1/22/2004            | Earliest Publication No:US 2002-0014618 A1 |  |
| Examiner Name:SHANLEY, DANIEL G                                    | Earliest Publication Date:2/7/2002 | Patent Number:-                            |  |
| Group Art Unit:3723                                                |                                    |                                            |  |
| Confirmation Number:1490                                           |                                    |                                            |  |
| Attorney Docket Number:1                                           |                                    |                                            |  |
| Class/ Sub-Class:254/111                                           |                                    |                                            |  |
| First Named Inventor: Bruce Hawkins, Hereford, AZ (US)             |                                    |                                            |  |
| Title Of Invention: Jack accessory                                 |                                    |                                            |  |

| File Contents History |            |  | Contents Description                                       |
|-----------------------|------------|--|------------------------------------------------------------|
| Number                | Date       |  |                                                            |
| 16                    | 1/9/2003   |  | Request for Extension of Time - Granted                    |
| 15                    | 12/17/2002 |  | Mail Notice of Informal or Non-Responsive Amendment        |
| 14                    | 12/16/2002 |  | Date Forwarded to Examiner                                 |
| 13.1                  | 9/12/2002  |  | Informal or Non-Responsive Amendment after Examiner Action |
| 13                    | 9/12/2002  |  | Response after Non-Final Action                            |
| 11                    | 9/26/2002  |  | Correspondence Address Change                              |
| 10                    | 9/26/2002  |  | Change in Power of Attorney (May Include Associate POA)    |
| 9                     | 6/5/2002   |  | Mail Non-Final Rejection                                   |
| 8                     | 6/3/2002   |  | Non-Final Rejection                                        |
| 7                     | 5/21/2002  |  | Case Docketed to Examiner In GAU                           |
| 6                     | 11/19/2001 |  | Case Docketed to Examiner In GAU                           |
| 5                     | 11/6/2001  |  | Application Dispatched from OIPE                           |
| 4                     | 10/23/2001 |  | Application Is Now Complete                                |
| 3                     | 7/31/2001  |  | Correspondence Address Change                              |





# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/871,271      | 05/31/2001  | Bruce L. Hawkins     | 00001               | 1490             |

7590 02/03/2004  
STEVEN THRASHER  
391 SANDHILL DR.  
RICHARDSON, TX 75080

EXAMINER

SHANLEY, DANIEL G

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3723

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



# **Notice of Abandonment**

|                    |                   |  |
|--------------------|-------------------|--|
| Application No.    | Applicant(s)      |  |
| 09/871,271         | HAWKINS, BRUCE L. |  |
| Examiner           | Art Unit          |  |
| Joseph J. Hail III | 3723              |  |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 05 June 2002.
  - (a) ☒ A reply was received on 12 September 2002 (with a Certificate of Mailing or Transmission dated 06 September 2002), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on 9/5/02.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The office letter mailed 12/17/02, which was after the expiration of the statutory 6-month period from the 6/5/02 non-final rejection was in error as the application had already become abandoned. Applicant may request a refund of the \$55 fee paid on 1/9/03.

Joseph J. Hail III  
SPE  
Art Unit: 3723

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Assistant Commissioner for Patents  
Washington, D. C. 20231

Date: January 2, 2003

**MAILING CERTIFICATE UNDER 37 C.F.R. 1.8(A)**

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as Priority First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on or before January 2, 2003.

Printed Name: Steven Thrasher  
Signature: Steven Thrasher

**REQUEST FOR EXTENSION**

Applicant: Bruce Hawkins, Bruce, L.  
Art Unit: 3723  
Serial No. 09/871,271  
Examiner: Shanley, Daniel G  
Filed: 05/31/00  
Attorney Docket No.: 08002.00011

Dear Sir:

In response to Office communication dated 12/17/2002 applicant hereby encloses the fee for a one month extension. Please find enclosed a credit card payment in the amount of \$55 enclosed herein.

Sincerely,

Steven Thrasher  
Attorney for Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hawkins

Art Unit: 3723

Serial No.: 09/871,271

Examiner: D. Shanley

Filed: 05/31/00

Docket: 08002.00011

For: **JACK ACCESSORY**

**AMENDMENT**

September 6, 2002

Assistant Commissioner For Patents  
Washington, D.C. 20231

**MAILING CERTIFICATE UNDER 37 C.F.R. 1.8(A)**

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on or before September 6, 2002.

Printed Name: Steven Thrasher

Signature: Steven Thrasher

Dear Sir:

The following amendment and remarks are offered in response to the Examiner's Office Action dated June 6, 2002, and with a shortened statutory response period of September 6, 2002. Favorable consideration of the above-referenced patent application is respectfully requested.

**In the Claims**

Please cancel claims 5, 16 and 17. Please amend Claim 1 as indicated in the VERSION WITH MARKINGS TO SHOW CHANGES MADE to read as shown below.

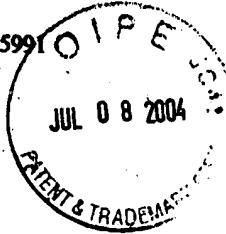
1. (Amended) A jack accessory assembly, comprising:  
a lift column that fits about a jack stem;  
a lift-column socket adapted to fit the lift column; and  
a tongue adapted to fit in the lift-column socket.

391 Sandhill Drive, Suite 1600  
Richardson, Texas 75080  
888-427-2836; Fax: 214-291-5991  
uspatentlaw@aol.com



Thrasher Associates, LLC

Steven Thrasher  
Direct Line: 972-918-9312  
steve4laws@aol.com



Tech Center 3700  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
2 April 2004

MAILING CERTIFICATE UNDER 37 C.F.R. 1.8(A)

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Printed Name: Steven Thrasher  
Signature: Steven Thrasher

Dear Sirs:

Pursuant to telephone instructions received with thanks from Group Leader and Examiner Steven Marcus on 2 April 2004, please find the following timely filed response to the Notice of Abandonment mailed from the USPTO on 3 February 2004.

Please also find enclosed:

- A) Petition to Withdraw Holding of Abandonment (including factual statements);
- B) Copy of Notice of Abandonment; and
- C) Postcard

Sincerely,

Steven Thrasher  
43,192  
Attorney for Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Petition to Withdraw Holding of Abandonment

Applicant: Hawkins, Bruce L.

Art Unit: 3723

Serial No.: 09/871,271

Examiner: Shanley, Daniel

Filed: 05/31/2001

Docket: 08002.00011

For: JACK ACCESSORY

Petition to Withdraw Holding of Abandonment

MAILING CERTIFICATE UNDER 37 C.F.R. 1.8(A)

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Technology Center 3700, Commissioner for Patents, PO Box 1450 Alexandria, VA 22313 on or before 2 April 2004.

Printed Name: Steven Thrasher

Signature: Steven Thrasher

Dear Sirs:

1. Please accept this Petition to Withdraw Holding of Abandonment.
2. Please find enclosed a copy of the original Office Action Cover Letter dated 6/5/2002.
3. Please find enclosed a copy of the original Office Action Response Cover Letter dated 9/6/2002.
4. Please find enclosed a copy of the original invitation to pay for a one month extension dated 12/17/2002--nearly twelve weeks after the Office Action Response was received by the Receiving Office. Although the day this paper was received by our office is unknown, our offices were closed from 12/15/02 until 1/2/03 for the holidays, and so the invitation was not opened until the second day of January.
5. Had the invitation to pay for a one-month extension been timely received by our office, we would have timely responded to it.

6. Please find enclosed a copy of the original payment for the one-month extension dated 1/2/2003. This was the first day our office was open following the holiday, indicating that the payment for the one-month extension was sent the actual day it was opened. This payment was processed and cleared on the firm's Visa Card on 1/8/03. We have no record of any refund.

7. In a follow-up phone call to Examiner Shanley in early January 2003, it was indicated that we had done all we need to do to keep the patent application active in the Patent Office.

8. In January 2004 (I believe on the 22<sup>nd</sup>) we received a response from Examiner Shanley to discuss issues regarding an upcoming second non-final Office Action (believed to be dated 27 January 2004).

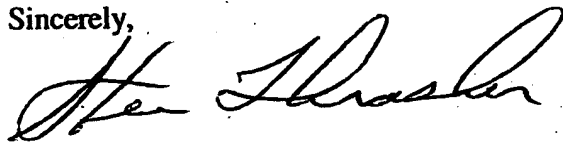
9. Based on a) the invitation to pay the late fee, b) the acceptance and processing of the late fee, c) the assurance from Examiner Shanley, and d) the recordation of the status in the USPTO as "pending" for over one year, it was believed that the present Application was, in fact, pending and that all that needed to be done to keep it pending had been done. Further, based on the discussion with Examiner Shanley in January 2004, it was in fact believed that the Application was nearly in condition for allowance.

10. But-for the fact that the Invitation to pay a one-month extension was sent by the USPTO twelve weeks following the receipt of the Office Action Response (item 4, above), the present application would not have been deemed late and thus would not have been Held Abandoned.

11. Accordingly, please withdraw the Holding of Abandonment and resume examination of the Application.

12. If any matters remain, please contact me immediately so that they can be resolved.

Sincerely,



Steven Thrasher  
Reg. No. 43,192  
Attorney for Applicant